



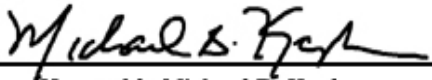
Order Filed on December 22, 2022  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-1	
DENISE CARLON, ESQUIRE KML LAW GROUP, P.C. 701 Market Street, Suite 5000 Philadelphia, PA 19106 <a href="mailto:dcarlton@kmlawgroup.com">dcarlton@kmlawgroup.com</a> Attorneys for Movant BCMBI Trust	
In Re:	Case No.: 22-12049 MBK
Atul R. Patel, Usha A. Patel,	Adv. No.:
Debtors.	Hearing Date: 5/25/2022 @ 10:00 a.m.
	Judge: Michael B. Kaplan

**ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO DEBTOR'S  
CHAPTER 13 PLAN**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby  
**ORDERED**

**DATED: December 22, 2022**

  
\_\_\_\_\_  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

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Debtors: Atul R. Patel, Usha A. Patel

Case No.: 22-12049 MBK

Caption: **ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO  
DEBTOR'S CHAPTER 13 PLAN**

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, BCMB1 Trust, holder of a mortgage on real property located at 3202 Cricket Circle #3202 Edison NJ 08820, Denise Carlon appearing, by way of objection to the confirmation of Debtor's Chapter 13 Plan, and this Court having considered the representations of attorneys for Secured Creditor and Robert C. Nisenson, Esquire, attorney for Debtors, and for good cause having been shown;

It **ORDERED, ADJUDGED and DECREED** BCMB1 Trust's claim shall be allowed as a non-priority general unsecured claim and shall be paid as such in accordance with the Debtor's Chapter 13 Plan.

It is **FURTHER ORDERED, ADJUDGED and DECREED** The avoidance of BCMB1 Trust's second lien is contingent upon the Debtor's completion of the Chapter 13 plan and the Debtor's receipt of a Chapter 13 discharge.

It is **FURTHER ORDERED, ADJUDGED and DECREED** BCMB1 Trust shall retain its lien for the full amount due under the subject loan in the event of either the dismissal of the Debtor's Chapter 13 case or the conversion of the Debtor's Chapter 13 case to any other Chapter under the United States Bankruptcy Code.

It is **FURTHER ORDERED, ADJUDGED and DECREED** Each party shall bear their own attorney's fees and costs incurred in the present case number.

It is **FURTHER ORDERED, ADJUDGED and DECREED** In the event that the property is destroyed or damaged, pursuant to the mortgage, BCMB1 Trust is entitled to its full rights as a loss payee with respect to the insurance proceeds and has a security interest in such proceeds up to the entire balance due on the mortgage.

It is **FURTHER ORDERED, ADJUDGED and DECREED** In the event that any entity, including the holder of the first lien on the Subject Property forecloses on its security interest and extinguishes Creditor's lien prior to the Debtor's completion of the Chapter 13 plan, BCMB1 Trust's lien shall attach to the surplus proceeds of the foreclosure sale for the full amount of the subject loan balance at the time of the sale.

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Debtors: Atul R. Patel, Usha A. Patel

Case No.: 22-12049 MBK

Caption: **ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO  
DEBTOR'S CHAPTER 13 PLAN**

It is **FURTHER ORDERED, ADJUDGED and DECREED** BCMB1 Trust shall retain its lien for the full amount due under the subject loan should the subject property be sold, or should a refinance take place prior to the Chapter 13 plan completion and entry of a Discharge, or by mutual agreement of the parties.

It is **FURTHER ORDERED, ADJUDGED and DECREED** that Secured Creditor's objection to confirmation is hereby resolved.

In re:  
Usha A Patel  
Atul R Patel  
Debtors

Case No. 22-12049-MBK  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-3  
Date Rcvd: Dec 22, 2022

User: admin  
Form ID: pdf903

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 24, 2022:

Recip ID	Recipient Name and Address
db/jdb	+ Usha A Patel, Atul R Patel, 3202 Cricket Circle, Edison, NJ 08820-4238

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 24, 2022

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 22, 2022 at the address(es) listed below:

Name	Email Address
Albert Russo	docs@russotrustee.com
Brian E Caine	on behalf of Creditor Wilmington Savings Fund Society FSB, not in its individual capacity, but solely as Owner Trustee on Behalf for CSMC 2018-RPL12 Trust bcaine@parkermccay.com, BKcourtnotices@parkermccay.com
Denise E. Carlon	on behalf of Creditor BCMB1 Trust dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Robert C. Nisenson	on behalf of Joint Debtor Atul R Patel r.nisenson@rcn-law.com doreen@rcn-law.com;g2729@notify.cincompass.com;nisensonrr70983@notify.bestcase.com
Robert C. Nisenson	on behalf of Debtor Usha A Patel r.nisenson@rcn-law.com

District/off: 0312-3

User: admin

Page 2 of 2

Date Rcvd: Dec 22, 2022

Form ID: pdf903

Total Noticed: 1

doreen@rcn-law.com;g2729@notify.cincompass.com;nisenonrr70983@notify.bestcase.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6